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APPLICATION 1	NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION
09/996,148		11/28/2001	David R. Greenberg	FIS920010262US1	3056
32074	2074 7590 12/18/2003			EXAMINER	
INTER	NATIONA	L BUSINESS MAC	DEBERADINIS, ROBERT L		
DEPT. 1- BLDG. 3			ART UNIT	PAPER NUMBER	
2070 RO			2836		
HOPEW	ELL JUNC	TION, NY 12533		DATE MAILED: 12/18/200	3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Calimins Calimins		Application No.	Applicant(s)					
Robert DeBeradinis - The MAILING DATE of this communication appears on the cover sheat with the correspondence address— Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION THE MAILING DATE OF THIS COMMUNICATION BY MORTH'S from the mailing date of this communication. If the period for reply specified above is less than thirty (30 days, enply rethin the adductory minorum of thirty (30) days, will be considered direay. If the period for reply specified above is the thirty (30 days, enply rethin the adductory minorum of thirty (30) days, will be considered direay. If the period for reply specified above is the shall hirty (30 days, enply rethin the adductory minorum of thirty (30) days, will be considered direay. If the period for reply specified above is the shall hirty (30 days, enply rethin the adductory minorum of thirty (30) days, will be considered direay. If the period for reply specified above is mean than the period of this communication (30) days and vice depts (30) MAINTH from the mailing date of this communication. A responsive to communication (s) filled on 28 November 2001. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-15 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6) Claim(s) and 15 is/are objected to by the Examiner. 10) The graving(s) filed on 28 November 2001 is/are: a) accepted or b) objected to by the Examiner. 10) The proving and may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required the drawing(s) is objected to See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note	•							
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address—Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Eduniors of time may be valided busine the provision of 30°CPR 1.136(a), in no event, flowever, may a reply be timely filled after 50°C, (6) MONTH(5) from the mailing date of this communication. - Eduniors of time may be valided busine the provision of 30°CPR 1.136(a), in no event, flowever, may a reply be timely filled after 50°C, (6) MONTH(5) from the mailing date of this communication. - If No period to reply a specified busine the similar of the state of the provision of the provision of the provision of the provision of the communication. - Pailure to reply valide the state than three mailure after the replace of the communication. - Pailure to reply valide the state than three mailure date for the provision of the communication. - Pailure to reply valide the state than three mailure of the communication. - Pailure to reply valide the state than three mailure date for the communication. - Pailure to reply valide the state than three mailure after the replace of the communication. - Pailure to reply valide the state than three mailure after the replace of the communication. - Pailure to reply valide the state than three mailure after the replace of the communication. - Pailure to reply valide the state than three mailure after the replace of the communication. - Pailure to reply valide to the state than three mailure after the replace of the communication. - Pailure to reply valide to replace the communication. - Pailure to replace that the replace of the provision of the communication. - Pailure to replace that the replace than the replace of the pailure of the communication. - Pailure to replace the replace than	Office Action Summary	Examiner	Art Unit					
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Art Unit: 2836

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by FARRINGTON 6,642,467.

Regarding claim 1.

FARRINGTON teaches at least one contact electrode (figure 18, contact 31); and a defecting beam (34), said deflecting beam contacting said at least one contact electrode (31) by way of a compressible deformable means affixed to at least one end of said deflecting beam or to at least one of said contact electrodes (see figure 18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 2836

Claims 1-6, 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over HUANG 6,384,353 in view of FARRINGDON 6,642,467 and MIKHEEVA SU 955255.

Regarding claims 1, 9, 11, 12, 13, 14.

HUANG discloses a micro-electromechanical switch comprising:

At least one contact electrode (135); and

A deflecting beam, said deflecting beam contacting said at least one contact electrode (122).

HUANG does not teach said deflecting beam contacting said at least one contact electrode by way of a compressible deformable means affixed to at least one end of said deflecting beam or to at least one of said contact electrodes.

FARRINGTON teaches at least one contact electrode (figure 18, contact 31); and a defecting beam (34), said deflecting beam contacting said at least one contact electrode (31) by way of a compressible deformable means affixed to at least one end of said deflecting beam or to at least one of said contact electrodes (see figure 18) and MIKHEEVA teaches applying a greater force to free switch contacts that stick.

It would have been obvious to one having ordinary skill in the art at the time of this invention to modify HUANG to include a compressible deformable means affixed to at least one end of said deflecting beam or to at least one of said contact electrodes. The motivation would be to provide the additional force to separate the contacts to prevent the contacts from sticking.

Regarding claim 2.

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FARRINTON teaches wherein said compressible deformable means is selected from the group consisting of a layer and discrete spring-like elements protruding from said at least one contact electrode (see figure 4b, column 5, lines 33-60).

Regarding claim 3.

HUANG in view of FARRINGDON and MIKHEEVA disclose the microelectromechanical switch as recited in claim 1.

HUANG teaches a control electrode (125) coplanar to said at least one contact electrode (122).

Regarding claims 4, 5,10.

HUANG in view of FARRINGDON and MIKHEEVA disclose the microelectromechanical switch as recited in claim 3 wherein the deflection of said deflecting beam is governed by applying a voltage between said deflecting beam and said control electrode.

Regarding claims 6, 8.

HUANG in view of FARRINGDON and MIKHEEVA disclose the microelectromechanical switch as recited in claim 1.

FARRINGTON teaches resilient biasing means may be of any suitable design and material or materials which will serve to separate the contact portions after the removal of force (column 7, lines 41-48).

The above references do not teach a non-linear increase to a separating force able to overcome stiction.

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The Examiner takes official that a force required to compress a spring or compressible materials such as rubber exhibit a non-linear characteristic.

It would have been obvious to one having ordinary skill in the art at the time of this invention to modify HUANG to include a compressible material such as rubber, which is know to exhibit a non-linear compressible force characteristic, to provide a biasing means for the contacts. The motivation would be to apply an additional force to separate the contacts to overcome the stiction force of the contacts (MIKHEEVA teaches applying added force to free contacts).

Allowable Subject Matter

Claims 7, 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Robert L.

DeBeradinis whose number is (703) 306-5857. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Sircus, can be reached on (703) 308-3119. The Fax phone number for this Group is (703) 308-7722.

RLD

DECEMBER 2, 2003

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